

CAB

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

KS State Board of Healing Arts

In the Matter of)
SARAH K. DAWSON, R.T.)
)
Kansas License No. 16-03234)
_____)

KSBHA Docket No. 14-HA00149

FINAL ORDER FOR CENSURE Confidential

NOW on this 8th day of August, 2014, comes on for conference hearing before the Kansas State Board of Healing Arts ("Board") the Petition for discipline filed against the respiratory therapy license of Sarah K. Dawson, RT ("Licensee"). Reese H. Hays, Litigation Counsel, appears on behalf of the Petitioner. Licensee appears in person and *pro se*.

Pursuant to the authority granted to the Board by the Respiratory Therapy Practice Act, K.S.A. 65-5501 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving exhibits into evidence, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is presently licensed to practice of respiratory therapy in the State of Kansas, having been issued License No. 16-03234 on or about September 28, 2005.
2. On June 3, 2014, a Petition was filed requesting disciplinary action against the license of Licensee. The Petition alleged that in November of 2010, Licensee was arrested for DUI. The Petition further alleges Licensee plead guilty to a class B misdemeanor of driving with an excessive blood alcohol content in May of 2011.

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4. On or about March 31, 2012, Licensee self-reported her arrest and conviction on her application for renewal of her license.

5. Confidential
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6. On or about February 17, 2014, Board staff requested that Licensee provide additional information Confidential
Confidential

7. On or about February 28, 2014, Licensee sent Board staff an email advising that she would fax to the Board a copy Confidential As of the date of the conference hearing, Licensee had not provided the requested information.

8. The Petition alleges that Licensee violated K.S.A. 65-5510(a)(2), by committing unprofessional conduct as further defined by K.A.R. 100-55-5(h), for failure to furnish the board, or its investigators or representatives, any information legally requested.

9. The Petition further alleges that Licensee's driving under the influence violated K.S.A. 65-5510(a)(2), by committing an act of unprofessional conduct as further defined by K.A.R. 100-55-5(q), for conduct likely to harm the public.

10. At the conference hearing on his matter, Licensee provided to the Board a copy of Confidential
Such letter was marked and admitted as Licensee's Exhibit 1.

11. The Board concludes that Petitioner has failed to meet its burden of proving by a preponderance of the evidence that Licensee violated K.S.A. 65-5510(a)(2), as further defined by K.A.R. 100-55-5(q). The Board concludes that the allegations regarding Licensee's arrest for

DUI almost four years ago, although inappropriate, do not correlate to conduct likely to harm the public warranting discipline of Licensee's license.

12. The Board concludes that Petitioner has met its burden of proving by a preponderance of the evidence that Licensee violated K.S.A. 65-5510(a)(2), as further defined by K.A.R. 100-55-5(h), in failing to furnish to the Board legally requested information. Confidential

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To this extent, it was reasonable for Board staff to request a copy Confidential

13. The Board has reviewed Licensee's Exhibit 1 and determines that the exhibit does not contain Confidential and is simply a document expressing Licensee's completion Confidential

14. Confidential Confidential

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Petitioner's Petition for Discipline is hereby GRANTED in part and DENIED in part.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that Licensee is CENSURED.

IT IS THEREFORE ORDERED, THAT LICENSE OBTAIN

Confidential

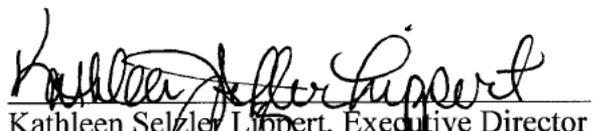
Confidential

no later than August 23, 2014, and provide a copy Confidential to

Litigation Counsel for the Board on or before September 23, 2014.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 8 DAY OF SEPTEMBER, 2014, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within **30 days** following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above foregoing **FINAL ORDER FOR CENSURE** was served this 9th day of September, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

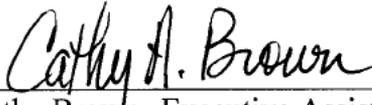
Sarah K. Dawson, RT
Confidential
Joplin, MO 64801

And a copy was hand-delivered to:

Reese H. Hays, Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant